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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/876,942
Filing Date: June 08, 2001
Appellant(s): PORTER ET AL.

JAN 22 2008

Technology Center 2100

Do Te Kim
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This Supplemental Examiner's Answer is in response to Appellant's amendment to the claims submitted with Reply Brief filed 10/18/2007, said amendment cancelling claims 15-16, 18-21. Accordingly, said amendment has been entered and made of record.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief filed 5/2/2007 is not correct. Pursuant to amendment filed 10/18/2007, claims 15-21 have been canceled.

Appellants appeal the rejection of claims 1-3, 5-14.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is not correct.

Appellants filed an amendment (after Final) to the claims pursuant to 37 CFR 41.33, on 10/18/2007, said amendment entered and made of record.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is partially correct.

Since Appellant canceled claims 15-16, 18-21, Appellant's ground(s) of rejection directed to said claims are moot.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is partially correct.

Appellant has canceled claims 15-16, 18-21, therefore Appendix claims should read as 1-3, 5-14.

(8) Evidence Relied Upon

6225995	Jacobs et al	5-2001
6389467	Eyal	5-2000
6418441	Call	7-2000
6584468	Gabriel	9-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 13-14 set forth functional descriptive material but fail to set forth physical structures or materials comprising of hardware or a combination of hardware and software within the technological arts (i.e. a computer) to produce a "useful, concrete and tangible" result. For example, claim 13 recites a "*computer readable medium*".

Applicant's Specification paragraph [0065] discloses the invention as embodying transmission media such as electromagnetic radiation, etc., which can be reasonably interpreted as a signal, or carrier wave. Since signals are not statutory as they fail to fall into one of the four statutory categories of invention, said claims are directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs (US 6225995, filed Oct 21, 1997), in view of Eyal (US 6389467, filed May 2, 2000, as cited in an IDS), further in view of Call (US 6418441, filed Jul 2000).

Regarding independent claims 1, 11, and 13, Jacobs teaches adding said associated metadata to said original metadata in said database. The Examiner characterizes the claimed invention as modifying metadata that is already stored in the database. For example, Jacobs discloses a method for incorporating state information into a URL where the transaction manager sends a commit request to database server

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and for causing to cause changes in response to various browser requests to be committed in the database (col 27, line 65 – col 28, line 3), using the previously stored metadata (col 28, lines 26-29). Since the database already contains metadata, the new data that causes change in the database is interpreted as adding onto the already existing data in the database.

Jacobs teaches *analyzing each field of said plurality of fields of said URI associated with a file; identifying metadata that is associated with said each analyzed field; and adding said associated metadata to original metadata in said database.* For example, Jacobs discloses a URI portion that includes transaction state information and cartridge engine information, which is used to identify the state of multiple-request transactions, the metadata associated with the browser request, where upon receiving the browser request, the dispatcher forwards the URI information to the virtual path manager to locate a pointer to a cartridge associated with the browser request and then send a revised browser message to the cartridge instance (col 21, lines 40- col 22, line 15). The Examiner interprets Jacobs' URI portions transaction and cartridge as equivalent to the claimed metadata fields. The Examiner interprets the revision of the browser message as equivalent to the metadata that is added to the associated original metadata because the dispatcher revises the browser upon locating more information that is associated with the cartridge.

Jacobs does not expressly teach *maintaining in a database original metadata associated with streaming media file*, but Eyal does teach this limitation. For example, Eyal discloses streaming media playback system of media resources located by

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multiple network addresses with a database of addresses, where each address locates a media network resource on the network (col 2, lines 9-15) and metadata extraction module accesses for each link to extract metadata about the identified media link (col 6, lines 3-10).

Jacobs in view of Eyal does not expressly teach *determine if an association exists between said each field and predetermined set of metadata, said predetermined sets of metadata comprising metadata*, but Call does suggest it. For example, Call discloses, in a method for disseminating information via the internet, using universal product codes with a URL table allowing a web search engine can perform web crawler indexing of the websites specified by the listed IP address (Examiner interprets IP address as equivalent to URI based on the appellant's specification), thereby generating an index to items in the table (Examiner interprets the customer and product information as metadata)(col 9, lines 30-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include streaming media playback on a network where the metadata extraction module accesses for each link to extract metadata about the identified media link as taught by Eyal, providing the benefit of providing streaming media on the internet reliably when the number of users accessing the site become congested (Eyal, col 2, lines 15-48), further to include placing IP address in an indexable database table such that can be searched by a web crawler as taught by Call, providing the benefit of a method for transferring request for specific information to preferred sources of the information on the Internet (Call, col 1, lines 3-35).

Regarding claim 2, Jacobs does not teach, but Eyal teaches “reorganizing said plurality of fields of said URL to provide a reorganized plurality of fields, wherein said step of analyzing each field comprises analyzing each field of said reorganized plurality of fields. For example, Eyal discloses a method to organize media clips according to an order, listed together or listed before less preferred clip (col 29, lines 40-57). The Examiner interprets this ordering as equivalent to the claimed reorganized fields.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include organizing media clips as taught by Eyal, providing the benefit of accessing streaming media on the Internet where users search for selected media creations and results are outputted to the user as a display of links (Eyal, col 1, lines 15-47).

Regarding claim 5, Jacobs does not expressly teach, but Eyal teaches analyzing each field comprises analyzing each field in contiguous field order until no associated metadata is identified for a field. For example, Eyal discloses determine if structure is empty. Continue parsing until empty (col 22, lines 18-66).

Jacob does not teach, but Eyal teaches adding said associated metadata fields for which associated metadata has been identified. For example, Eyal discloses updating the rating field for the media recording (col 30, lines 52-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include continuing parsing until the structure is empty and

updating the rating field for media as taught by Eyal, providing the benefit of accessing streaming media on the Internet where users search for selected media creations and results are outputted to the user as a display of links (Eyal, col 1, lines 15-47).

Regarding claim 6, Jacobs teaches adding a contents of said field for which no associated metadata was identified to said original metadata in said database. For example, Eyal discloses a server that initiates an operation to incorporate information to the URL (col 2, line 55 – col 3, line 20).

Regarding claims 7, 12, and 14, Jacobs teaches replacing each connecting character in said contents with a space for providing a plurality of terms; adding said plurality of terms to said original metadata in said database. The Examiner characterizes this limitation as modifying metadata that is already stored in the database. For example, Jacobs discloses a server that extracts information from the URL and uploads information into a URL (col 3, lines 5-22) and causes changes in response to various browser requests to be committed in the database (col 27, line 65 – col 28, line 3), using the previously stored metadata (col 28, lines 26-29). Since the database already contains metadata, the new data that causes change in the database is interpreted as adding onto the already existing data in the database.

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Regarding claim 8, Jacobs does not teach, but Eyal teaches elements related to at least one of content of the media. For example, Eyal discloses a media from the network (col 1, lines 50-67; summary).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include media from the network as taught by Eyal, providing the benefit of accessing streaming media on the Internet where users search for selected media creations and results are outputted to the user as a display of links (Eyal, col 1, lines 15-47).

Regarding claim 9, Jacobs does not teach but Eyal teaches media comprises multimedia. For example, Eyal discloses multimedia (col 13, line 47).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs to include multimedia as taught by Eyal, providing the benefit of accessing streaming media on the Internet where users search for selected media creations and results are outputted to the user as a display of links (Eyal, col 1, lines 15-47).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs (as cited above), in view of Eyal (as cited above) and Call (as cited above), further in view of Gabriel (US 6584468, filed Sep 29, 2000, Application No 09675594).

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Regarding claim 3, Jacobs in view of Eyal and Call does not teach, but Gabriel teaches reorganizing said plurality of fields in reverse order. For example, Gabriel discloses a ranking and selection process that could be reversed (col 6, lines 25-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs in view of Eyal and Call to include reverse the ranking process as taught by Gabriel, providing the benefit of indexing network information with searches for files of information relevant to people and resources using weighted links (Gabriel, Abstract section).

(10) Response to Argument

Regarding claims 1, 2, 5-10, 11, 12, The Appellant argues that the cited references (Jacob, Eyal and Call) fail to suggest (1) analyzing each field of said plurality of fields of said URI associated with said streaming media file to determine if an association exists between said each field and predetermined sets of metadata, (2) identifying metadata that is associated with said analyzed field, and (3) adding said associated metadata to said original metadata in said database (see Appeal Brief, pages 8-11; and bottom of page 15 – top of page 16). Additionally, the Appellant argues the motivation to combine the cited references Jacobs, Eyal and Call.

The Examiner respectfully disagrees because the combination of the cited references, Jacob, Eyal and Call when viewed in their entirity, disclose or suggest the claimed invention.

First, The Examiner equates the claimed "URI" (Universal Resource Indicator) to a "URL" (Uniform Resource Locator) because the Appellant's specification says that a URL is a form of a URI that expresses an address that maps to an access algorithm using a network protocol (see specification, page 11, lines 25-26).

The Examiner characterizes the claimed invention as modifying metadata that is already stored in the database.

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Jacobs teaches the claim limitation of *analyzing each field of said plurality of fields of said URI associated with a file; identifying metadata that is associated with said each analyzed field; and adding said associated metadata to original metadata in said database.* For example, Jacobs discloses a URI portion that includes transaction state information and cartridge engine information, which is used to identify the state of multiple-request transactions, the metadata associated with the browser request is forwarded by the dispatcher that forwards the URI information, upon receiving the browser request, to the virtual path manager to locate a pointer to a cartridge associated with the browser request and then send a revised browser message to the cartridge instance (col 21, lines 40- col 22, line 15). Additionally, Jacob's discloses identifying previously stored metadata for a transaction associated with the revised browser message associated with a commit transaction URI (col 26, lines 44-48).

The Examiner interprets Jacobs' URI portions transaction and cartridge as equivalent to the claimed metadata fields. The Examiner interprets Jacobs' disclosure of the revision of the browser message as equivalent to the claimed metadata that is added to the associated original metadata because the dispatcher revises the browser upon locating more information that is associated with the cartridge and adds data if needed.

Jacobs in view of Eyal does not expressly teach the claimed limitation of *determine if an association exists between said each field and predetermined set of metadata, said predetermined sets of metadata comprising metadata,* but Call does suggest it. For example, Call discloses, in a method for disseminating information via

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the internet, using universal product codes with a URL table allowing a web search engine can perform web crawler indexing of the websites specified by the listed IP address (see Appellant's specification in paragraph 34, which says that an IP address as equivalent to URI), thereby generating an index to items in the table (Examiner interprets the customer and product information as metadata)(col 9, lines 30-35).

Jacobs teaches the claimed limitation of *adding said associated metadata to said original metadata in said database*. The Examiner characterizes this limitation as modifying metadata that is already stored in the database. For example, Jacobs discloses a method for incorporating state information into a URL where the transaction manager sends a commit request to database server and to cause changes in response to various browser requests to be committed in the database (col 27, line 65 – col 28, line 3), using the previously stored metadata (col 28, lines 26-29). Since the database already contains metadata, the new data that causes change in the database is interpreted as adding onto the already existing data in the database.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Jacobs teaching of URI and reorganizing it to include streaming media playback on a network where the metadata extraction module accesses for each link to extract metadata about the identified media link that are relating to streaming medial files and reordering them as taught by Eyal, providing the benefit of providing streaming media on the internet reliably when the number of users accessing the site become congested (Eyal, col 2, lines 15-48), further to include placing IP address in an indexable database table such that can be searched by a web crawler as taught by Call,

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providing the benefit of a method for transferring request for specific information to preferred sources of the information on the Internet (Call, col 1, lines 3-35). Each of the references, Jacobs, Eyal and Call, does teach databases using codes and/or network addresses to access data.

The Appellant argues that Eyal fails to teach reorganizing the fields in a URI (see Brief, page 14).

The Examiner respectfully disagrees. Specifically, Eyal teaches adding the URL (and metadata) of the selected medial clip to store, where the user can change the order of the play-list stored on the network server and accessed using the medial location and playback module (col 31, line 65 – col 2, line 25). The examiner interpret reordering of the play-list as equivalent to reorganizing the fields because reordering of data organized data in a different manner and Eyal teaches doing this reordering process for URL (and related metadata).

Regarding claims 1, 2, 5-12, Appellant argues that there is no suggestion to combine Jacobs, Eyal and Call to disclose the elements recited by claims 1, 2, 5-12 and 18-21, rather, Jacobs expressly teaches away from incorporating database tables for maintaining state information associated with the multiple-request operations (see Brief, pages 14-15).

The Examiner respectfully disagrees because the references do not teach away from the claimed invention. The claims are silent about incorporating database tables. The Examiner characterizes the claimed invention as modification of metadata that is already stored in the database. Accordingly, the combination of references, Jacobs, Eyal and Call teach this characterization. Specifically, Jacob's discloses identifying previously stored metadata for a transaction associated with the revised browser message associated with a commit transaction URI (Jacobs, col 26, lines 44-48) using previously stored metadata. Eyal discloses a database for storing metadata associated with streaming media links (Eyal, col 6, lines 4-10) and Call teaches using universal product codes with a URL table allowing a web search engine that can perform web crawler indexing of the websites specified by the listed IP address (Examiner interprets IP address as equivalent to URI based on the appellant's specification, paragraph 34), thereby generating an index to items in the table. All three references are combinable because they teach a database accessible via network (ie., internet) for providing information through the use of a accessing data using a locator or identification.

Regarding claim 3, Appellant argues that prior art fails to disclose the elements of claim 3 because claim 3 depends on claim 1.

The Examiner respectfully disagrees and accordingly maintains the rejection of claim 3. Jacobs in view of Eyal and Call does not teach, but Gabriel teaches

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reorganizing said plurality of fields in reverse order. For example, Gabriel discloses a ranking and selection process that could be reversed (col 6, lines 25-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacobs in view of Eyal and Call to include reverse the ranking process as taught by Gabriel, providing the benefit of indexing network information with searches for files of information relevant to people and resources using weighted links (Gabriel, Abstract section).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

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(1) Reopen prosecution. Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) Maintain appeal. Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

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A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

William L. Bashore
William L. Bashore,
1/9/2008

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